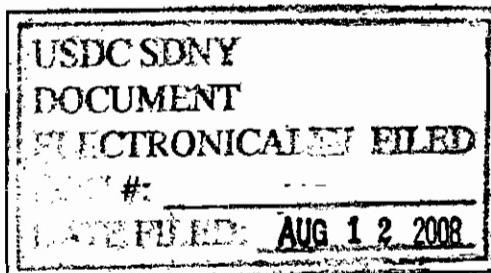


*Swain*UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT MORGALO



Plaintiff,

CIVIL NO. 08-4079 (LTS)

v.

RUBEN BLADES and
RUBEN BLADES PRODUCTIONS, INC.

Defendants,

**JOINT STIPULATION TO TRANSFER THIS ACTION PURSUANT TO 28 U.S.C.
§1404 TO THE DISTRICT OF PUERTO RICO TO BE CONSOLIDATED WITH
CASE NO. 07-1380 (JAG) (JA)**

TO THE HONORABLE JUDGE OF SAID COURT:

IT IS HEREBY STIPULATED by and between counsel for Plaintiff, Robert Morgalo ("Plaintiff") and Defendants Ruben Blades and Ruben Blades Productions, Inc. ("Defendants"), subject to the approval of the Court, as follows:

1. On May 1, 2008, Plaintiff filed his Complaint in this action for defamation under the Court's diversity jurisdiction.
2. A prior civil action was filed on May 4, 2007 in the United States District Court for the District of Puerto Rico (the "Puerto Rico action") under Case Number 07-1380 (JAG) (JA) involving common questions of law or fact. The two cases are related in that, in the Puerto Rico action Blades alleges that Morgalo is liable, among other counts, for breach of contract

and breach of fiduciary duties for misappropriating or converting money owed to Blades from a concert held in Puerto Rico in 2003, and in the instant action Morgalo alleges that Blades' allegations to that effect are false and that Blades' extra-judicial accusations to that effect constitute defamation. Moreover, the two cases involve some of the same parties, and much common documentary and testimonial evidence.

3. 28 U.S.C. §1404(a) governs the transfer of actions in federal courts to other venues. It states in relevant part:

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.

28 U.S.C. 1404(a)(2008).

4. Neither Plaintiff nor Defendants are residents of this District. Furthermore, a Cross-Claim and Amended Cross Claim have been filed against Plaintiff herein by Defendant Blades in the Puerto Rico action and a full and final decision on the merits of this action as well as the claims already initiated and pending in the Puerto Rico action would be facilitated by allowing the transfer of this case for consolidation with the Puerto Rico action.

5. Rule 42(a) of the Federal Rules of Civil Procedure provides that:

"(a) Consolidation.

If actions before the court involve a common question of law or fact, the court may:

- (1) join for hearing or trial any or all matters at issue in the actions;
- (2) consolidate the actions; or
- (3) issue any other orders to avoid unnecessary cost or delay."

Fed.R.Civ.P. 42(a)(2008).

6. In the interests of efficiency and judicial economy the Parties hereby stipulate and request the transfer of this action to the District of Puerto Rico to be consolidated with the Puerto Rico action.

7. The Parties further agree that the cases shall be consolidated for all purposes including trial, it being understood that consolidation does not mean that the cases are merged into one. Separate judgments shall be entered in each case.

8. Execution and Counterparts. Subject to the Court's approval, this Stipulation may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one instrument. Any signature page of any such counterpart, or any electronic

facsimile thereof, may be attached or appended to any other counterpart to complete a fully executed counterpart of this Stipulation.

THE PARTIES HERETO AGREE TO BE BOUND BY THIS STIPULATION:

Dated: 7/31/08

Dwight Yellen
[s/ Dwight Yellen]
Bar No. DY6547
[s/Michael J. Shepphard]
Bar No. MS9115
Ballon, Stoll, Bader & Nadler, PC
Attorneys for Plaintiff
4050 Broadway, 14th Floor
New York, New York 10018
Tel. 212-575-7900
Fax: 212-764-5060
Email: mshepphard@ballonstoll.com

Dated: 7-31-08

Michael B. Tolcott
[s/ Michael B. Tolcott]
Bar No. 35035
Gilbert B. Abramson & Assoc. LLC
Attorneys for Plaintiff
1339 Chestnut Street, Suite 510
Philadelphia, Pennsylvania 19107
Tel. 215-988-7205
Fax: 215-988-7209
Email: mtolcott@gbalaw.com

Dated: 8-04-08

Eugenio F. Hestres-Velez
[s/Eugenio F. Hestres-Velez]
PRDC No. 121310
Bird Bird & Hestres, PSC
Attorneys for Plaintiff
P.O. Box 9024040
San Juan, Puerto Rico 00902-4040
Tel. 787-721-0190
Fax: 787-724-5305
Email: efhestres@bbh-law.com

Dated: 7/31/08

Jani K Rachel

[s/ Jani Karen Rachelson]
Bar No. JR0121
COHEN, WEISS AND SIMON LLP
Attorneys for Defendants
330 West 42nd Street
25th Floor
New York, N.Y. 10036-6976
Tel (212) 563-4100
Fax (212) 695-5436
Email: j.rachelson@cwsny.com

Dated: 7-31-08

Pamela D. González Robinson
PROC No. 222212

BUFETE ROBERTO CORRETJER-PIQUER
Attorneys for Rubén Blades
625 Avenue Ponce de Leon
San Juan, Puerto Rico 00917
Tel. 787-751-4618
Fax: 787-759-6503
Email: licenciadapg@yahoo.com

The application for transfer is
hereby granted. The consolidation
requests shall be taken up
with the District of Puerto
Rico. The Clerk of Court is
respectfully requested to effectuate
the prompt transfer of this case.

APPROVED AND SO ORDERED:

Date: 8/11/08

Roberto Corretjer-Piquer
U.S.D. JUDGE